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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Martin Hans

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EXAMINER

PEREZ, JULIO R

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 07/19/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/857,805

Applicant(s)

HANS ET AL.

Examiner

Julio R Perez

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.8.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8, 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Keba et al. (5652783).

Regarding claim 1, Keba et al. disclose a transmission frame for transmitting short messages in a telecommunications network, in the form of a radio telecommunications network, comprising; at least two data fields wherein data of a short message are stored in memory in the data fields (col. 5, lines 12-64, the messages comprise two sections, and address section and the digital message section), and wherein data in a first data format are stored in a first data field of the short message (col. 5, lines 12-64; col. 6, lines 13-20; col. 8, lines 26-55; Figs. 6-7, one portion of the message is located in a first portion of the message), and data in a second data format, different from the first data format, are stored in a second data field of the short message (col. 5, lines 12-64; col. 6, lines 13-20; col. 8, lines 26-55; Figs. 6-7, one

portion of the message is located in a first portion of the message and the second portion, either digital data or digital voice, is located on the second portion).

Regarding claim 2, Keba et al. disclose the transmission frame, wherein a first ID code, which identifies the makeup of the short message, is provided in the first data field (col. 8, lines 33-40; Figs. 6-7, the sort message comprises a header ID).

Regarding claim 3, Keba et al. disclose the transmission frame, wherein the first ID code includes indications about the number of data fields and/or about the data formats in the data fields, and/or about the size of the data fields (col. 8, lines 33-55; Fig. 6-7, the bit length is specified).

Regarding claim 4, Keba et al. disclose the transmission frame, wherein a second ID code, which identifies the content of the short message, is provided in the first data field (col. 8, lines 33-46; Fig. 6-7, the message is identified to be either digital data or voice data).

Regarding claim 5, Keba et al. disclose the transmission frame; wherein the second ID code includes indications about the data type, including audio or image data, of the data stored in the data fields (col. 8, lines 33-46; Fig. 6-7, indication of what type of data is provided, voice message or data message).

Regarding claim 6, Keba et al. disclose the transmission frame, wherein only the first data field is limited in its size to a predetermined value (col. 8, lines 51-55, predetermined bit length is provided).

Regarding claim 7, Keba et al. disclose the transmission frame, wherein in each of at least two data fields, one data-field-specific ID code, which identifies the makeup

and/or content of the corresponding data field, per data field is provided (col. 8, lines 33-46; Fig. 6-7, the message is identified to be either digital data or voice data).

Regarding claim 8, Keba et al. disclose the transmission frame, wherein the data stored in the first data field are present in a data format that is readable by all the subscribers of fine telecommunications network (col. 1, lines 49-67; col. 3, lines 1-6 and 50-59; col. 7, lines 39-50).

Regarding claim 10, Keba et al. disclose the transmission frame, wherein data are stored in a plurality of data formats in one of the data fields (col. 5, lines 12-64; col. 6, lines 13-20; col. 8, lines 26-55; Figs. 6-7, one portion of the message is located in a first portion of the message and the second portion, either digital data or digital voice, is located on the second portion; hence, different data formats may be provided).

Regarding claim 11, Keba et al. disclose the transmission frame, wherein only data in a single data format are stored in each data field (col. 5, lines 12-64; col. 6, lines 13-20; col. 8, lines 26-55; Figs. 6-7, either digital data or digital voice formats may be provided).

Regarding claim 12, Keba et al. disclose a telecommunications device, in the form of a radio unit, comprising: having a transmission frame for transmitting short messages in a telecommunications network in the form of a radio telecommunications network (col. 3, lines 31-59; Figs. 6-7, messages are sent within a radio communication system environment), wherein at least two data fields are provided in the transmission frame, wherein data of a short message are stored in memory in the data fields (col. 5, lines 12-64, the messages comprise two sections, and address section and the digital

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message section), and wherein data in a first data format are stored in a first data field of the short message and data in a second data format, different from the first data format, are stored in a second data field of the short messages (col. 5, lines 12-64; col. 6, lines 13-20; col. 8, lines 26-55; Figs. 6-7, one portion of the message is located in a first portion of the message; and the second portion, either digital data or digital voice, is located on the second portion).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keba et al. (5652783) in view of Alanara et al. (6188909).

Regarding claim 9, Keba et al. teach the limitations in claim 1.

Keba et al. do not explicitly disclose the transmission frame, wherein the data stored in the first data field are in a text format, in accordance with the GSM-SMS format (Global System for Mobile Communications - Short Message Service).

However, the preceding limitation is well known in the art of telecommunications.

Alanara et al. teach a communication network with SMS applications (col. 2, lines 23-35; Fig. 5-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the system as taught by Keba et al. with text message capability because it would make the transmission system more efficient in providing transmitting information on display.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the art with respect to transmission systems capable of transmitting messages.

US Pat. No. 6292668 to Alanara et al.

Means for communicating
messages

US Pat. No. 6400958 to Isomursu et al.

Terminal supporting a plurality of
applications

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R Perez whose telephone number is (703) 305-8637. The examiner can normally be reached on Monday - Friday, 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika Gary can be reached on (703) 308-0123. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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7/12/04


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PRIMARY EXAMINER